

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THOMAS WRIGHT NEAL,)	
)	
Petitioner,)	4:05cv3054
)	
vs.)	MEMORANDUM AND ORDER
)	
ROBERT HOUSTON,)	
)	
Respondent.)	

In filing no. 14, the Memorandum and Order filed on June 21, 2005, the court granted the respondent's Motion for Summary Judgment in this habeas corpus case, finding that the petitioner's habeas claims are procedurally defaulted. However, the court gave the petitioner an opportunity to submit a brief addressing, as to each procedurally defaulted habeas claim, why the default should be excused. The deadline for the petitioner's brief was July 8, 2005, and the petitioner has not responded or asked for an extension of time.

THEREFORE, IT IS ORDERED:

1. That, in accordance with filing no. 14, the Petition for Writ of Habeas Corpus filed by Thomas Wright Neal is denied and dismissed with prejudice; and
2. That a separate judgment will be entered accordingly.

DATED this 1st day of August, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge